

COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Concluding observations: The Republic of the Maldives

1. The Committee considered the initial report of the Maldives (CRC/C/OPAC/MDV/1) at its 1391st meeting, (see CRC/C/SR.1391) held on 26 January 2009, and adopted at its 1398th meeting, held on 30 January 2009, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report. The Committee further welcomes its written replies (CRC/C/OPAC/MDV/Q/1/Add.1) to the list of issues and appreciates the constructive dialogue held with the multi-sectoral delegation, which included a representative of the national defense force.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 13 July 2007 (CRC/C/MDV/CO/3) and with the concluding observations adopted on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MDV/CO/1) on 30 January 2009.

A. Positive aspects

4. The Committee notes as positive the State party's declaration upon ratification of the Protocol declaring 18 years as the minimum age for recruitment to the armed forces.
5. The Committee welcomes the reference to special protection of children in article 35 of the new Constitution adopted in August 2008.

I. General measures of implementation

Dissemination and training

6. The Committee is concerned that awareness of the Protocol is inadequate.
7. **The Committee recommends, in light of article 6, paragraph 2, of the Protocol, that the State party ensure that the principles and provisions of the Protocol are widely disseminated to the general public and State officials. In particular, the Committee recommends the State party to ensure that all members of its armed forces receive training on the provisions of the Protocol.**

II. Prevention

Peace education

8. The Committee regrets that peace education is not included in the school curricula.
9. **The Committee recommends that the State party provide human rights education and, in particular, peace education for all children in school and train teachers on promotion of these values in children's education.**

III. Prohibition and related matters

Legislation

10. The Committee, while noting that section 12 of the Rules pertaining to the Maldivian Public Services prohibits recruitment of any person under 18 years into the national armed forces, the Committee regrets the lack of applicable sanctions and an explicit provision on criminalisation of child recruitment in the Penal Code.
11. **In order to further strengthen international measures for the prevention of the recruitment of children and their use in hostilities, the Committee urges the State party to:**
 - a.) **Revise the Penal Code and include a provision which criminalises violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;**
 - b.) **Consider providing extra-territorial jurisdiction over acts contrary to the Protocol, including conscripting or enlisting children into armed forces or armed groups, or using them to participate actively in hostilities, if such crimes are committed by or against a Maldivian national or a person who otherwise has a close link with the State party;**
 - c.) **Ensure that all military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol;**
 - d.) **Consider ratification of;**

- i.) **The Rome Statute of the International Criminal Court, 2001 and;**
- ii.) **The ILO Convention no. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

IV. Protection, recovery and reintegration

Assistance for physical and psychological recovery

12. The Committee notes there may be unaccompanied migrant children or children migrating with their families who do not necessarily seek asylum, but may have been involved in hostilities abroad. In this respect, the Committee is concerned over the lack of an identification mechanism of these children and regrets that, if needed, recovery and reintegration programs and services would not be available for them.
13. **The Committee encourages the State party to establish an identification mechanism for asylum-seeking and migrant children who may have been recruited or used in hostilities, and regrets the lack of measures for their physical and psychological recovery and social reintegration. The Committee furthermore encourages the State party to accede to the Convention relating to the Status of Refugees 1951 and its 1967 Protocol.**

V. Follow up and dissemination

14. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet of Ministers and the People's Council (Majlis), and to all atolls, when applicable, for appropriate consideration and further action.**
15. **The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Protocol, its implementation and monitoring.**

VI. Next report

16. **In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined fourth and fifth periodic report under the Convention on the Rights of the Child, due on 12 September 2011.**
